

Gary R. Selvin, State Bar No. 112030
Robin D. Korte, State Bar No. 182553
SELVIN WRAITH HALMAN LLP
505 14th Street, Suite 1200
Oakland, CA 94612
Telephone: (510) 874-1811
Facsimile: (510) 465-8976
E-mail: gselvin@selvinwraith.com
rkorte@selvinwraith.com

Attorneys for Plaintiff
ENDURANCE ASSURANCE CORPORATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

ENDURANCE ASSURANCE
CORPORATION,

Plaintiff,

v.

ACE AMERICAN INSURANCE COMPANY,

Defendant.

CASE NO.: 4:21-cv-07642-HSG

**STIPULATION AND ORDER TO EXTEND
DEADLINE FOR FILING A STIPULATION
FOR DISMISSAL**

Complaint Filed: September 29, 2021

Plaintiff ENDURANCE ASSURANCE CORPORATION ("Endurance") and Defendant ACE AMERICAN INSURANCE COMPANY ("ACE American") through their counsel of record, jointly stipulate to, and request that the Court approve, an extension of the deadline for filing a Stipulation for Dismissal for a period of 30 days, to and including August 31, 2022. This request is made based on the following facts:

1. Endurance and ACE American insured a mutual insured, Star-West Metreon, LLC and SRP Property Management, LLC (collectively "Star-West"). Star-West is named as a defendant in *Deborah Freeman v. Starwood Retail Partners, Metreon, et al.*, San Francisco County Superior Court, Case No. CGC-20-585106 and related cross-action captioned *Star-West Metreon, LLC and SRP Property Management, LLC v. International Business Machines Corp., et al.* (the "*Freeman Action*"). This lawsuit concerns a dispute between Endurance and ACE American related to the defense, and potential for indemnity, regarding the *Freeman Action*.

2. This lawsuit and the *Freeman* Action reached a settlement agreement after attending mediation that involved both matters. However, due to the complexity of the issues and number of entities involved the settlement agreement for the *Freeman* Action and the settlement agreement for this action have required more time than customary for the parties to circulate proposed agreements and come to a consensus concerning the same.

3. The parties to this lawsuit and the parties the *Freeman* Action have each drafted settlement agreements acceptable to all parties, but require more time to have the agreements executed and settlement payments made.

4. Endurance and ACE American anticipate that the agreements can be executed and settlement payments made within the next 30 days.

5. In light of the foregoing, the parties request the Court continue the deadline for filing a Stipulation for Dismissal for a period of 30 days, to and including August 31, 2022.

NOW, THEREFORE, Endurance and ACE American, through counsel of record, jointly petition the Court to continue the deadline for filing a Stipulation for Dismissal for a period of 30 days, to and including August 31, 2022.

Dated: August 1, 2022

SELVIN WRAITH HALMAN LLP

By: /s/ Robin D. Korte
 Gary R. Selvin
 Robin D. Korte
 Attorneys for Plaintiff
 ENDURANCE ASSURANCE CORPORATION

Dated: August 1, 2022

MORALES FIERRO & REEVES

By: /s/ William C. Reeves
 William C. Reeves
 Attorneys for Defendant
 ACE AMERICAN INSURANCE COMPANY

ORDER

FOR GOOD CAUSE SHOWN, and pursuant to the Stipulation of Plaintiff ENDURANCE ASSURANCE CORPORATION and Defendant ACE AMERICAN INSURANCE COMPANY, the Court orders the deadline for filing a Stipulation for Dismissal for a period of 30 days, to and including August 31, 2022.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 8/9/2022


HAYWOOD S. GILLIAM, JR.
U. S. DISTRICT COURT JUDGE

420844